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Attorneys for Defendant Sunrun Inc.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

PEGGY BANKS, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

SUNRUN INC.

Defendant.

Case No. 4:24-cv-07877-JST

**DEFENDANT SUNRUN INC.'S
REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF ITS MOTION TO
STRIKE CLASS ALLEGATIONS**

[Notice of Motion to Strike, Memorandum
in Support of Motion to Strike, and
Proposed Order Filed Concurrently]

Hon. Jon S. Tigar

Hearing Date: March 20, 2025

Time: 2:00 pm

Location: Zoom

Defendant Sunrun Inc. ("Sunrun") respectfully requests the Court take judicial notice of the following documents submitted in support of Sunrun's Motion to Strike Class Allegations:

1. **Exhibit A**, a true and correct copy of the website page located at sunrun.com/free-solar-quote.

2. **Exhibit B**, a true and correct copy of the First Amended Complaint filed in *Strickland v. Sunrun Inc.*, No. 3:23-cv-05034, Dkt. No. 23 (N.D. Cal. 2024).

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DEFENDANT SUNRUN INC.'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF ITS
MOTION TO STRIKE CLASS ALLEGATIONS

1 3. **Exhibit C**, a true and correct copy of the docket sheet in *Strickland v. Sunrun Inc.*,
2 No. 3:23-cv-05034 (N.D. Cal.).

3 Judicial notice is appropriate pursuant to Rule 201 of the Federal Rules of Evidence.

4 Courts may take judicial notice of facts that (1) are “generally known within the trial court’s
5 territorial jurisdiction” and (2) “can be accurately and readily determined from sources whose
6 accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). A court “must take judicial notice
7 if a party requests it and the court is supplied with the necessary information.” Fed. R. Evid.
8 201(c)(2).

9 Information from publicly accessible websites are proper subjects of judicial notice. *See In*
10 *re Google Assistant Privacy Litig.*, 457 F. Supp. 3d 797, 813–14 (N.D. Cal. 2020) (taking judicial
11 notice of three webpages, including Google’s Terms of Service, Privacy Policy, and a Google blog
12 post); *Matera v. Google, Inc.*, 2016 WL 5339806, at *7 (N.D. Cal. Sept. 23, 2016) (taking judicial
13 notice of Google’s Terms of Service, “various versions of Google’s Privacy Policy,” and a Google
14 webpage entitled “Updates: Privacy Policy”); *see also Daniels–Hall v. Nat’l Educ. Ass’n*, 629 F.3d
15 992, 998–99 (9th Cir. 2010). Here, Exhibit A, a copy of the website page located at
16 sunrun.com/free-solar-quote, is judicially noticeable because it is available to the public and the fact
17 that it exists online cannot be reasonably questioned. Sunrun therefore respectfully requests the
18 Court take judicial notice of Exhibit A.

19 Further, the Court “may take judicial notice of district court records.” *Ray v. Lara*, 31 F.4th
20 692, 297 n.4 (9th Cir. 2022) (citing *United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980); Fed.
21 R. Evid. 201. Here, Exhibit B, the First Amended Complaint filed in *Strickland v. Sunrun Inc.*, No.
22 3:23-cv-05034, Dkt. No. 23 (N.D. Cal. 2024), and Exhibit C, the docket sheet from *Strickland*, are
23 judicially noticeable as records of a district court. Sunrun therefore respectfully requests the Court
24 to take judicial notice of Exhibit B and Exhibit C.

1 DATED: January 27, 2025

KELLEY DRYE & WARREN LLP

2 By: /s/ Glenn T. Graham

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